

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

BRENT ALAN MCLEAN, #663292

§

VS.

§

CIVIL ACTION NO. 6:07cv305

DIRECTOR, TDCJ-CID

§

ORDER OF DISMISSAL

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Judith K. Guthrie, who issued a Report and Recommendation concluding that the Director's motion to dismiss the petition as moot should be granted. The Petitioner has filed objections.

The Report of the Magistrate Judge, which contains her proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by the Petitioner to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and the objections of the Petitioner are without merit. It is specifically noted that the petition concerns a prison time calculation issue. During the pendency of the petition, the prison system conducted an internal audit and made the corrections the Petitioner was seeking. The correction led to the recommendation to dismiss the petition as moot. The Petitioner argued that the petition should not be dismissed as moot because it is capable of repetition. At this juncture, the Petitioner has received all of the relief to which he is entitled. If the prison system makes another adjustment and the Petitioner believes that the change is erroneous, then he can file a new petition regarding that change. The issue before the Court in this case, however, is moot. Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

ORDERED that the Director's motion to dismiss (docket entry #20) is **GRANTED**. It is further

ORDERED that the petition for a writ of habeas corpus is **DENIED** and the case is **DISMISSED** with prejudice. It is further

ORDERED that a certificate of appealability is **DENIED**. It is finally

ORDERED that all motions not previously ruled on are hereby **DENIED**.

So ORDERED and SIGNED this 1st day of April, 2008.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

LEONARD DAVIS
UNITED STATES DISTRICT JUDGE